



Section I--Violation Data

1. Date Mo Da Yr 07/24/2008	2. Time (24 Hr. Clock) 1200	3. Citation/ Order Number 7697003
4. Served To Gary Peacock, Superintendent		5. Operator GENWAL RESOURCES INC and UEI
6. Mine CRANDALL CANYON MINE		7. Mine ID 42-01715 (Contractor)
8. Condition or Practice		

8a. Written Notice (103g) ☐

The operator did not immediately contact MSHA at once without delay and within 15 minutes at the toll-free number, 1-800-746-1553, once the operator knew that an accident in the Main West South Barrier section occurred on August 3, 2007. A coal outburst threw coal into the mine openings, disrupting regular mining activity for more than one hour. The accident was not reported to MSHA pursuant to this standard. The failure to report this accident denied MSHA an opportunity to investigate it and learn that the mining methods provided inadequate protections. This failure contributed to the August 6 fatal accident. This violation is an unwarrantable failure to comply with a mandatory standard.

See Continuation Form (MSHA Form 7000-3a) ☐

9. Violation	A. Health <input type="checkbox"/> Safety <input checked="" type="checkbox"/> Other <input type="checkbox"/>	B. Section of Act	C. Part/Section of Title 30 CFR 50.10
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Section II--Inspector's Evaluation

10. Gravity:				
A. Injury or Illness (has) (is): No Likelihood <input type="checkbox"/> Unlikely <input type="checkbox"/> Reasonably Likely <input type="checkbox"/> Highly Likely <input type="checkbox"/> Occurred <input checked="" type="checkbox"/>				
B. Injury or illness could reasonably be expected to be: No Lost Workdays <input type="checkbox"/> Lost Workdays Or Restricted Duty <input type="checkbox"/> Permanently Disabling <input type="checkbox"/> Fatal <input checked="" type="checkbox"/>				
C. Significant and Substantial: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				D. Number of Persons Affected: 006
11. Negligence (check one) A. None <input type="checkbox"/> B. Low <input type="checkbox"/> C. Moderate <input type="checkbox"/> D. High <input type="checkbox"/> E. Reckless Disregard <input checked="" type="checkbox"/>				
12. Type of Action 104(d)(2)		13. Type of Issuance (check one) Citation <input type="checkbox"/> Order <input checked="" type="checkbox"/> Safeguard <input type="checkbox"/>		
14. Initial Action A. Citation <input type="checkbox"/> B. Order <input checked="" type="checkbox"/> C. Safeguard <input type="checkbox"/> D. Written Notice <input type="checkbox"/>		E. Citation/ Order Number 7286500		F. Dated Mo Da Yr 12/29/2006
15. Area or Equipment No area affected				

16. Termination Due	A. Date Mo Da Yr 07/24/2008	B. Time (24 Hr. Clock)
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Section III--Termination Action

17. Action to Terminate No action required because the reporting requirements of 30 CFR, part 50.10 can only be satisfied within the established 15 minutes from the time that the operator knew or should have known of the accident.

18. Terminated	A. Date Mo Da Yr 07/24/2008	B. Time (24 Hr. Clock) 1205
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Section IV--Automated System Data

19. Type of Inspection (activity code) E06	20. Event Number 4476435	21. Primary or Mill
22. Signature Signature		23. AR Number 23305 / 23809

MSHA Form 7000-3, Mar 85 (revised) In accordance with the provisions of the Small Business Regulatory Enforcement Fairness Act of 1996, the Small Business Administration has established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MSHA, you may call 1-888-REG-FAIR (1-888-734-3247), or write the Ombudsman at Small Business Administration, Office of the National Ombudsman, 409 3rd Street, SW MC 2120, Washington, DC 20416. Please note, however, that your right to file a comment with the Ombudsman is in addition to any other rights you may have, including the right to contest citations and proposed penalties and obtain a hearing before the Federal Mine Safety and Health Review Commission.